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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,377	10/15/2003	Atsushi Gotoh	243922US2S	3379

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EXAMINER	
YUN, JURIE	

ART UNIT	PAPER NUMBER
2882	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 10/684,377	**Applicant(s)** GOTOH, ATSUSHI
	Examiner Jurie Yun	**Art Unit** 2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 7/6/06 has been entered.

Claim Objections

2. Claim 17 is objected to because of the following informalities: there appears to be a typo in line 2 where "wherein said" should be "wherein *when* said". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iizuka (USPN 6,435,713 B1).

5. With respect to claims 1-3, 9, and 13-15, Iizuka discloses an X-ray diagnostic apparatus, comprising: a first photographic system having a first X-ray tube (Fig. 1, 22) and a first X-ray detector (21); a second photographic system having a second X-ray tube (32) and a second X-ray detector (31); a first supporting mechanism (23) supporting said first photographic system; a second supporting mechanism (33) supporting said second photographic system movably in a direction to come in close proximity to/move away from said first photographic system; and a control circuit (50) controlling a movement of said second photographic system, wherein when a first operator instruction is inputted, said control circuit automatically moves said second

photographic system to a photography position where said first photographic system and a photography center axis cross (Fig. 2), and when a second operator instruction is inputted, said control circuit automatically moves said second photographic system to an evacuation position distant from said photography position (Fig. 1).

Iizuka does not use the term "temporary evacuation position" which is closer to said photography position than said evacuation position, and it would have been obvious that any intermediate position would have been temporary. The temporary evacuation position is located between the photographing position and the evacuation position when the embodiment shown in Figure 1 is used. The temporary evacuation position is located closer to the frontal arm. The photographing position is located between the evacuation position and the temporary evacuation position when the embodiment shown in Figure 6 is used. The temporary evacuation position is located on the other side of the frontal arm from the location shown in the drawing.

Iizuka does not disclose that when the second photographic system is moved to the temporary evacuation position, the second photographic system is maintained at the temporary evacuation position until the control circuit receives a subsequent operator instruction. However, Iizuka discloses the control circuit monitors the positions of the apparatuses, and the movements are made by various switches provided for the operator to control the apparatus movements (column 3, lines 1+ & column 5, lines 22-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to maintain the second photographic system at the temporary evacuation position until the control circuit receives a subsequent operator instruction, for safety reasons.

6. With respect to claims 4, 12, and 16, Iizuka discloses an operation portion having a button corresponding to a movement of said second photographic system to said photographing position and a button corresponding to a movement of said second photographic system to said evacuation position (column 4, lines 56+). Iizuka does not specifically disclose a button corresponding to a movement of said second photographic system to said temporary evacuation position, but this would have been obvious for ease of communicating movement commands to the system.

7. With respect to claims 5 and 10, Iizuka discloses the first supporting mechanism has a floor-standing stand (24) and a C-arm (23); said second supporting mechanism has a ceiling traveling rail (35), a strut suspended from said ceiling traveling rail, and an omega-arm (33) attached to a lower end of said strut; and said temporary evacuation position is a position at which said omega-arm comes over above said floor-standing stand.

8. With respect to claims 6 and 11, Iizuka discloses a diagnostic table (10) on which a subject is laid, wherein said first supporting mechanism has a floor-standing stand (24) and a C-arm (23); said second supporting mechanism has a ceiling traveling rail (35), a strut suspended from said ceiling traveling rail, and an omega-arm (33) attached to a lower end of said strut; and said temporary evacuation position is a position at which said omega-arm comes over above a center or nearly the center of said diagnostic table (see Fig. 2).

9. With respect to claims 7 and 8, Iizuka discloses the first supporting mechanism has a floor-standing stand (24 – "horizontal swivel base") and a C-arm (23) supported by said stand in such a manner that swiveling, axial rotation, and slidable rotation are allowed; said second supporting mechanism has a ceiling traveling rail (35), a strut suspended from said ceiling traveling rail, and an omega-arm (33) attached to a lower end of said strut; and said second photographic system, located at said temporary evacuation position, together with said omega-arm does not interfere with movements including the axial rotation and the slidable rotation but excluding the swiveling, wherein, while said second photographic system is located at said evacuation position, said control circuit allows the swiveling, the axial rotation, and the slidable rotation, and while said second photographic system is located at one of said photographing position and said temporary evacuation position, said control circuit inhibits the swiveling but allows the axial rotation and the slidable rotation (column 4, lines 56+ & column 5, lines 22+).

10. With respect to claims 17-19, Iizuka does not disclose that when the second photographic system reaches the first or second temporary evacuation position, the control circuit cancels a disable state of the first photographic system. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the first photographic system should not be operating while the second photographic system is moving to a temporary evacuation position, and it would be obvious to disable the first photographic system until movement of the second system is complete, for safety reasons. Iizuka is concerned with safety and teaches use of alarms when necessary (column 5, lines 22-29).

Response to Arguments

11. Applicant's arguments filed 7/6/06 have been fully considered but they are not persuasive. Applicant argues that in Iizuka, the lateral arm is freely movable along the ceiling rail, and that Iizuka merely discloses that it is possible to stop a photographic system at positions corresponding to the photography position, the evacuation position, and the temporary evacuation position by manual operation. However, this is not the case. Iizuka does disclose automatic movement (see column 3, lines 1+ & column 4, lines 56+ & column 5, lines 22+). For this reason, the rejection is maintained.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 571 272-2497. The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JY Jurie Yun
Examiner
Art Unit 2882

August 22, 2006

Courtney Thomas
Courtney Thomas
Primary Examiner